

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
267

CRWP No.1676 of 2015

Date of Decision:07.12.2015

Satish

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

**Present: Mr.A.S.Trikha, Advocate,
for the petitioner.**

Mr.Vikas Malik, D.A.G., Haryana.

DAYA CHAUDHARY, J.

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the petitioner on emergency parole on the ground that the marriage of his sister's daughter(niece), namely, Seema, is going to be solemnized on 08.12.2015 and the presence of the petitioner being her maternal uncle (Mama) is required to perform customary ceremonies in the marriage.

In response to notice of motion, separate affidavits i.e. one by the Deputy Superintendent of Police(HQ), Karnal and the other by Superintendent of Prison, District Prison, Karnal, have been filed in Court today and the same are taken on record. The factum of marriage has not been disputed but it has been mentioned that other

brother of the petitioner is there, who can perform the customary ceremonies being maternal uncle (Mama) and in the month of April, he has already availed parole for a period of four weeks.

Learned counsel for the petitioner submits that the parole availed by the petitioner was never misused as he was convicted in this case in the year, 2000.

Heard arguments of the learned counsel for the petitioner as well as of learned State Counsel. I have also perused the affidavits filed by the respondents.

Admittedly, the marriage of niece of the petitioner is fixed for 08.12.2015. This fact has been affirmed by learned State Counsel and the same is apparent from the separate replies filed by the respondents. It is also not disputed that brother of the petitioner is also there.

Keeping in view the submission made by learned counsel for the petitioner, the petition is allowed and the Superintendent of Prison, District Prison, Karnal, is directed to make necessary arrangement for taking the petitioner in police custody to attend the marriage of his niece, which is fixed for 08.12.2015.

Registry is directed to inform the Superintendent of Prison, District Prison, Karnal, for making compliance of the order.

(DAYA CHAUDHARY)
JUDGE

December 07, 2015
seema